

Assembly Bill No. 1245

Passed the Assembly September 8, 2003

Chief Clerk of the Assembly

Passed the Senate September 4, 2003

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

└

CHAPTER _____

An act to amend Sections 9002 and 9004 of the Elections Code, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, Laird. Initiatives: Web site posting.

Under existing law, a petition for an initiative or referendum measure may not be circulated for signature until a draft of the measure is submitted to the Attorney General for preparation of a title and summary.

This bill would require the Attorney General, before preparing a title and summary for an initiative measure, to forward the proponent's draft to the Secretary of State. This bill would require that the Secretary of State post the draft measure on the Secretary of State's Web site for a period of 30 days, during which the public would be permitted to post comments concerning the measure.

This bill would permit the proponents of the measure, no earlier than 30 days or more than 120 days after the draft measure is posted, to direct the Attorney General, in writing, to prepare a title and summary of the measure as drafted, to prepare a title and summary of a revised draft, or to post a revised draft on the Secretary of State's Web site for an additional 30-day review period.

This bill would make technical, nonsubstantive changes.

This bill would become operative on July 1, 2004.

The people of the State of California do enact as follows:

SECTION 1. Section 9002 of the Elections Code is amended to read:

9002. (a) Before an initiative or referendum petition may be circulated for signatures, the proponents of the measure shall submit a draft of the proposed measure to the Attorney General with a written request that the Attorney General prepare a title and summary of the chief purpose and points of the proposed measure.

The persons presenting the request shall be known as the "proponents."



The Attorney General shall preserve the written request until after the next general election.

(b) The proponents shall include with the request payment of a two hundred dollar (\$200) fee, which the Attorney General shall place in a trust fund in the office of the Treasurer. The fee shall be refunded to the proponents if the measure qualifies for the ballot within two years from the date the Attorney General furnishes a summary to the proponents. If the measure does not qualify within that period, the fee shall be immediately paid into the General Fund of the state.

SEC. 2. Section 9004 of the Elections Code is amended to read:

9004. (a) (1) Upon receipt of a draft of a petition, the Attorney General shall forward a copy of the draft to the Secretary of State. The Secretary of State shall post the draft petition, including the names of its proponents, on the Secretary of State's Internet Web site for 30 days to facilitate public comment on the measure.

(2) Any person may comment on the draft of the proposed measure through the Secretary of State's Web site. All comments shall be public and shall remain on the Web site for at least 90 days after the proposed measure is posted.

(3) No earlier than 30 days or more than 120 days after the draft of a measure has been posted on the Secretary of State's Web site, the proponents of the measure may direct the Attorney General in writing to prepare a title and summary of the draft as originally presented, prepare a title and summary of a revised draft, or post a revised draft on the Secretary of State's Web site for another 30-day review period.

(4) The provisions of subdivision (a) do not apply to referendum measures.

(b) (1) Upon receipt of the proponent's direction pursuant to subdivision (a) to prepare a title and summary, or, in the case of a referendum measure, upon receipt of a draft of the petition, the Attorney General shall prepare a summary of the chief purposes and points of the proposed measure. The summary shall be prepared in the manner provided for the preparation of ballot titles in Article 5 (commencing with Section 9050), the provisions of which in regard to the preparation, filing, and settlement of titles



and summaries are hereby made applicable to the summary. The title and summary shall not exceed a total of 100 words.

(2) The Attorney General shall provide a copy of the title and summary to the Secretary of State within 15 days after receipt of the final version of a proposed initiative measure, or if a fiscal estimate or opinion is to be included, within 15 days after receipt of the fiscal estimate or opinion prepared by the Department of Finance and the Joint Legislative Budget Committee pursuant to Section 9005. If during the 15-day period, the proponents of the proposed initiative measure submit amendments, other than technical, nonsubstantive amendments, to the final version of the measure, the Attorney General shall provide a copy of the title and summary to the Secretary of State within 15 days after receipt of the amendments.

SEC. 3. This act shall become operative on July 1, 2004.



Approved _____, 2003

Governor

